

PCT

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2005/000347

International filing date (day/month/year)
02.02.2005

Priority date (day/month/year)
07.02.2004

International Patent Classification (IPC) or both national classification and IPC
E06C7/42

Applicant
SANDPIPER ASSOCIATES

COPY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/GB2005/000347

JAP20 Rec'd PCT/PTO 28 JUL 2006

Box No. 1 Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3, 6, 7, 12, 15, 16, 21-23
	No: Claims	1, 2, 4, 5, 8-11, 13, 14, 17-20, 24-30
Inventive step (IS)	Yes: Claims	
	No: Claims	1-30
Industrial applicability (IA)	Yes: Claims	1-30
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2005/000347

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:

- D1: US-A-5 915 498 (FIGLIUZZI ET AL) 29 June 1999 (1999-06-29)
- D2: US-A-1 496 201 (BAXTER CHARLES E) 3 June 1924 (1924-06-03)
- D3: EP-A-0 372 897 (A.C. INNOVATIONS, INC) 13 June 1990 (1990-06-13)

2.1. Clarity objection - two independent claims

The present set of claims comprises *two independent claims*: claims 1 and 13. Claims 1 and 13 relate effectively to the same subject-matter; i.e. a stabiliser comprising a stabiliser arm and a hinge. Claims 1 and 13 differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the terminology used for the features of that subject-matter. The present set of claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

2.2. Independent claim 1 - novelty objection

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The document **D1** (see fig. 1) discloses:

a stabiliser for a stepladder having two stiles (12) and rungs (16). Said stabiliser comprises (i) a stabiliser arm (nesting brace 30) and (ii) attachment means (the first hinge plate 44) which incorporates a hinge (46). Said hinge (46) has an axis at an angle of the vertical line of the stile (12), so that the stabiliser arm (30) (*) in use swings outwardly and rearwardly from the stile (cf. column 3, line 37-39).

The stabiliser further comprises (iii) a locking means (locking arm 50) for locking the stabiliser arm (30) in the open position and (iv) a load transfer and locating means (the second hinge plate 42) for transferring a load from the stabiliser arm (30) to the stile (12) and for locating the end of the stabiliser arm (30) on the stile (12).

When the hinge is in the closed position, the stabiliser arm is located along the stile of the ladder (cf. column 3, line 40-42) and when going from the closed to the open position, the foot of the stabiliser arm moves in an arcuate path.

(*): Present claim 1 uses the term "the stay" (claim 1, line 5). However, the term "stay" is not defined in the preceding lines of claim 1 and thus creates unclarity. In the light of the description, the term "the stay" has in this written opinion been interpreted as "the

stabiliser arm*.

Moreover, claim 1 is also not new over the stabiliser of D2 (cf. paragraph 3.2.).

2.3. Independent claim 13 - novelty objection

Claim 13 defines the same subject-matter of claim 1, but with a different wording.

Therefore the reasoning of paragraph 2.2. applies, *mutatis mutandis*, to claim 13, which therefore is also not new.

2.4. Dependent claims

Dependent claims 1-5, 8-14, 17-20, 24-30 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D1-D3, the corresponding passages cited in the search report and the following reasons:

- claim 2: D1 (fig. 1) discloses such a plate (42) for attachment to the stile (12). The casing (5) of D2 (fig. 7-8) comprises several plates (the faces of casing 5) for attachment to the stile (1). D3 (fig. 4) discloses also a plate (22) for attachment to the stile (12).
- claim 3: obvious solution in order to adjust the distance between the stile and the plate
- claim 4: Hinge axis (46) and plate (42) of D1 (fig. 1) are parallel.
- claims 8-10: The hinge block (38) of D3 (fig. 3 and 4) fits into the U-shaped recess formed by the flanges (24) on the plate (22).
- claim 14: The hinge (5d) of D2 (fig. 4) can be fixed in different intermediate positions by the chain (12).
- claim 18: see paragraph 3.2.

3.1. The present application comprises mainly **two embodiments**; i.e.

- a stabiliser with a connection comprising one hinge (fig. 1-5) and
- a stabiliser with a connection comprising two hinges (fig. 7-32).

The one-hinge connection is not new over D1 (cf. paragraph 2.2.). The two-hinge connection could form the basis for a combination of features which is neither known from, nor rendered obvious by, the available prior art (see paragraphs 3.2.-3.4.).

3.2. Stabilisers with a connection comprising two hinges are known, e.g. from D2. The stabiliser of **D2 (fig. 1, 4, 7 and 8)** comprises all the features of present claim 1 and claim 18:

[Features of claim 1] The stabiliser of D2 has (i) a stabiliser arm (6), (ii) attachment means (5d) which incorporates a **first hinge** (semi-spherical member 5d). Said first

hinge (5d) defines a first axis (central axis of the semi-spherical member 5d) at 90° with the vertical line of the stile (1), so that the stabiliser arm (6) (*) can swing outwardly and rearwardly from the stile (cf. fig. 1, 2 and 4).

The stabiliser (6) further comprises (iii) a locking means (rod 8, fig. 1 or chain 12, fig. 4) for locking the stabiliser arm (6) in the open position and (iv) a load transfer and locating means (casing 5 with clamp plate 5a and screw 5b) for transferring a load from the stabiliser to the stile (6) and for locating the end of the stabiliser arm (6) on the stile (12).

When the hinge is in the closed position, the stabiliser arm is located along the stile of the ladder (cf. fig. 1) and when going from the closed to the open position the foot of the stabiliser arm moves in an arcuate path (as every end point of an arm rotating about a fixed point follows an arcuate path).

[Features of claim 18] The first hinge (semi-spherical member 5d) is attached to the stabiliser arm (6) through a secondary hinge (pivot connection of bolt in the apertured projecting stem of 5d, cf. page 2, line 13-17). The axis of said secondary hinge is at 90° to the axis of the first hinge.

- 3.3. However, the stabiliser of the application substantially differs from the stabiliser of D2 by the fact that ***the attachment means comprises a hinge plate or connecting plate (16, 57, 79) in between the (first) hinge and the secondary hinge, wherein said hinge plate or connecting plate in use can rotate about said (first) hinge and about said secondary hinge.***

Support for these additional features can be found in the figures (fig. 7-16, 19-24 and 27-31) and in the description (page 6, last paragraph) of the application.

- 3.4. The combination of:

- all the features of present claims 1 and 18 and
- the additional features of paragraph 3.3.

is neither known from, nor rendered obvious by, the available prior art. The reasons are as follows:

Starting from the two-hinge connection of D2, the skilled person would not consider such a two-hinge connection comprising such a hinge plate, as it differs substantially from the two-hinge connection of D2: the kinematics of such a hinge is completely different.

Moreover, such a combination of features would also meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must

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contain all the technical features essential (i.e. the two hinges and the hinge plate) to the definition of the invention.

(J. Demeester)